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FACSIMILE

To:	Examiner Anuradha Ramana
Company:	Mail Stop Reissue
Fax:	571 273-8300
From:	Ruth Der, Paralegal
Telephone:	415 646 8029
Fax:	415 646.8035
Date:	July 9, 2008
Re:	Reissue Serial No. 10/620,154; Atty. Docket No. ACANP-00101
Pages: (including coversheet)	5
Message:	Attached are <i>Communication</i> and copy of <i>Notice Of Non-Compliant Amendment (37 CFR 1.121)</i> mailed 07/03/2008.

Please confirm receipt of this facsimile.

NOTE: Original will not follow.

CONFIDENTIALITY NOTICE

THIS FACSIMILE TRANSMISSION IS PRIVILEGED AND CONFIDENTIAL AND IS INTENDED ONLY FOR THE REVIEW OF THE PARTY TO WHOM IT IS ADDRESSED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE IMMEDIATELY TELEPHONE THE SENDER ABOVE TO ARRANGE FOR ITS RETURN, AND IT SHALL NOT CONSTITUTE WAIVER OF THE ATTORNEY-CLIENT PRIVILEGE.

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PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application for)	Examiner: Anuradha Ramana
Patent No.: 6,261,291)	
Issued: July 17, 2001)	Group Art Unit: 3733
Inventors: Talaber et al.)	
Reissue Serial No.: 10/620,154)	Atty. Docket No.: ACANP-00101
For: ORTHOPEDIC IMPLANT)	
ASSEMBLY)	<u>TRANSMITTAL</u>
)	
Filed: July 15, 2003)	

CERTIFICATE OF TRANSMISSION PURSUANT TO 37 CFR 1.8

I hereby certify that this correspondence is being transmitted by facsimile (571) 273-8300 and addressed to Attention: Examiner Anuradha Ramana, Mail Stop REISSUE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 9, 2008 in San Francisco, CA.

By: 

Mail Stop Reissue
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

1. Transmitted herewith for filing in the above-identified patent application are:

X Communication including;
X Copy of Notice of Non-Compliant Amendment (37 CFR 1.121) mailed 07/03/2008.

2. Payment of Fees

X Applicants believe that there is no fee due with this communication. However, the Commissioner is authorized to charge the fees, the deficiency in payment and/or to credit any overpayment of fees which may be required under 37 C.F.R. §1.16 or §1.17, to Deposit Account No 50-4358, referencing Atty. Docket No. ACANP-00101.

Respectfully submitted,

By: 

Edward J. Lynch
Registration No. 24,422
Attorney for Applicants

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JUL 09 2008

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application for)	Examiner: Anuradha Ramana
Patent No.: 6,261,291)	Group Art Unit: 3733
Issued: July 17, 2001)	Attorney Docket No.: R0372-00101
Inventors: Talaber et al.)	
Reissue Serial No.: 10/620,154)	
For: ORTHOPEDIC IMPLANT ASSEMBLY)	<u>COMMUNICATION</u>
Filed: July 15, 2003)	

CERTIFICATE OF TRANSMISSION PURSUANT TO 37 CFR 1.8

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By: 

Mail Stop Reissue
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sirs:

In the above-referenced application, the Patent Office mailed the attached Notice of Non-Compliant Amendment (37 CFR §1.121) for failure to provide proper status identifier pursuant to 37 CFR §1.121. It appears that the Notice was mailed in error. The present application is a reissue application. Applicants believe that their amendment and response as filed May 27, 2008 was in compliance with 37 CFR §1.173(b)(2)(c)(d) regarding amendment to reissue claims.

Respectfully submitted:

By: 

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Attorney for Applicants

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07/03/2008

EDWARD J LYNCH
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Paper No.

Application No.:	10/620,154 	Date Mailed:	07/03/2008
First Named Inventor:	Talaber, David, J.	Examiner:	RAMANA, ANURADHA
Attorney Docket No.:	R0372-00101	Art Unit:	3733
Confirmation No.:	8486	Filing Date:	07/15/2003

Please find attached an Office communication concerning this application or proceeding.

JUL 09 2008

Notice of Non-Compliant Amendment (37 CFR 1.121)	Application No. 10/620,154	Applicant(s) TALABER ET AL.	
		Art Unit 1700	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

The amendment document filed on 27 May, 2008 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4): For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance, or a drawing submission (only) If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1 to 4 are checked, the correction required is only the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

- Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or
- Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable /FELICIA FARMER/

Telephone No: (571)272-1005

U.S. Patent and Trademark Office
PTOL-324 (04-06)

Notice of Non-Compliant Amendment (37 CFR 1.121)

Part of Paper No. 20080702-1